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Security Council

Sixty-sixth year

Provisional

6548th meeting

Wednesday, 8 June 2011, 10 a.m.

New York

President:	Mr. Messone	(Gabon)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Dunlop
	China	Mr. Tian Lin
	Colombia	Mr. Osorio
	France	Mr. Bonne
	Germany	Mr. Berger
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mr. Dunn

Agenda

Reports of the Secretary-General on the Sudan

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President (*spoke in French*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Moreno-Ocampo.

Mr. Moreno-Ocampo: I thank the Security Council for this opportunity to present the work of the International Criminal Court regarding the situation in Darfur.

I would like to start by briefing the Council on the case against the rebel commanders who led more than 1,000 troops in carrying out a violent attack against the African Union Mission in Sudan base in Haskanita, killing 12 peacekeepers and injuring eight others. The attackers also destroyed the camp and looted vehicles, fuel and money. It was the most serious attack ever against peacekeepers in Darfur, affecting the lives of millions of civilians under their protection. This case shows the impartiality of the International Criminal Court and its commitment to protecting peacekeeping forces.

On 7 March, the Pre-Trial Chamber confirmed the charges for war crimes against Abdallah Banda and Saleh Jerbo. The commanders are not disputing their actual participation in the attack, and both have committed to surrendering voluntarily to the International Criminal Court to face trial and, if convicted by the Judges, to serve years in prison. They are claiming that President Al-Bashir also has to appear before the judges and respect the decisions of the Court and the Security Council.

On 16 May, the prosecution and the defence indicated in a joint filing to the Trial Chamber that certain facts have been agreed by both parties and that the defence will contest only three specific issues during the trial: first, whether the attack on the Haskanita base on 29 September 2007 was unlawful; secondly, whether the accused persons were aware of the factual circumstances that established the unlawful nature of the attack; and thirdly, whether the African Union Mission in Sudan was a peacekeeping mission in accordance with the Charter of the United Nations. These are the issues to be discussed in court, and are highly relevant to peacekeeping operations in the future. The dates for the hearings are not yet scheduled.

Let me focus on the arrest warrants issued by the Court against President Al-Bashir, which unveiled and documented war crimes, crimes against humanity and a genocidal policy of extermination implemented since 2003 against three ethnic groups: the Fur, Massalit and Zaghawa. I will also touch on the arrest warrants issued against Ahmad Harun and Ali Kushayb.

As detailed in my written report, crimes against humanity and genocide continue unabated in Darfur. Air attacks on civilians and direct killings of members of these ethnic groups have continued over the past six months. The direct targeting of villages continues, causing still further displacements. Most of the Fur, Zaghawa and Massalit now live in camps for internally displaced persons or refugees. These millions of displaced victims are still subject today to rape, terror and conditions of life aimed at the destruction of their communities, constituting genocide.

The mandate of the International Criminal Court is to end impunity in order to prevent future crimes. We share this mission with the Security Council, the African Union and the Government of the Sudan. The efficacy of our common efforts will depend greatly on how we share information with each other and learn from it. The prosecution is trying to improve its practice in this area, linking the information collected with the current behaviour of the suspects.

The work of the Court has documented that the crimes in Darfur are the consequence of a strategic decision taken by the highest authorities of the Government of the Sudan, and are not the by-product of a conflict, intertribal clashes or even climate change.

One actor who has learned is President Al-Bashir. He has learned how to continue to commit crimes challenging the authority of the Security Council and ignoring resolution 1593 (2005), as well as other resolutions. He did not stop the commission of the genocide, but he is blocking the dissemination of information about the fate of the displaced. President Al-Bashir and his supporters continue to deny the

crimes, attributing them to other factors such as intertribal clashes, diverting attention by publicizing ceasefire agreements that are violated as soon as they are announced, and finally proposing the creation of special courts to conduct investigations that will never start.

At the same time, President Al-Bashir is threatening the international community with retaliation and yet more crimes. This tactic is not new; it is the documented practice of perpetrators of mass crimes — denial, cover-up and threat of repetition. Paradoxically, President Al-Bashir has successfully transformed public knowledge of his criminal behaviour into a negotiating tool. Expelling the humanitarian organizations in March 2009 was the epitome of such a strategy. It allowed for concealing the continuation of crimes, diverting the international community's attention and continuing the commission of crimes in the absence of any scrutiny. President Al-Bashir is now asking for rewards for not committing new genocides outside Darfur.

The challenge to the Security Council's authority is further evidence that the extermination of the Fur, Massalit and Zaghawa, as well as any tribe deemed disloyal to the regime, is a policy defined by the top leadership. It is calculated to ensure that the armed forces and associated militia will continue committing new crimes, with the same modus operandi, wherever and whenever they are instructed to do so.

The record of Ahmad Harun provides a clear demonstration of the risk of impunity and ignoring information about crimes. During the 1990s, Ahmad Harun used local militias to attack civilians in the Nuba Mountains in Kordofan. Between 2003 and 2005, Harun coordinated the attacks against civilians in Darfur as Minister of state for the Interior and head of the Darfur security desk. That information was ignored. During the visit of then Secretary-General Kofi Annan to Darfur, Harun was assigned as Annan's official interpreter in his meetings with the Fur leaders displaced in the camps. Harun deliberately mistranslated their complaints to cover them up.

In September 2005, Harun was appointed by President Al-Bashir as Minister of State for Humanitarian Affairs in charge of the same millions of people that he forcibly displaced. In my seventh report to this Council, presented an 5 June 2008 (see S/PV.5905), I expressed concern about Harun having been dispatched to Abyei to address disputes between the Misiryia and the Sudan People's Liberation Movement and Liberation Army. Following his dispatch, as I reported, Abyei was burned down, with 50,000 civilians displaced. In my ninth report, presented on 5 June 2009 (see S/PV.6135), I expressed concern about Harun's appointment as Governor of South Kordofan, on 7 May 2009. He is now presenting himself as an efficient operator, and is dubbed by some members of the international community as the man to talk to get things done.

It is the challenging responsibility of the Security Council to use the information exposed by the International Criminal Court to stop the crimes in Darfur and protect the civilians there. The Prosecution, fulfilling its mandate, is willing to assist.

The President (*spoke in French*): I thank Prosecutor Moreno-Ocampo for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to continue our discussion on the subject in a private meeting.

The meeting rose at 10.20 a.m.